

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

VALVE CORPORATION,

Petitioner,

v.

JENNIFER A. NELSON, et al.,

Respondent.

Cause No. 2:24-cv-1717-JNW

RESPONDENT LUKE NINEMIRE'S  
ANSWER TO PETITION TO ENJOIN  
ARBITRATIONS

Respondent Luke Ninemire ("Respondent") hereby answers Petitioner Valve Corporation's ("Valve") Petition to Enjoin Arbitrations ("Petition") and asserts its affirmative defenses as follows:

GENERAL DENIAL

1. Under Federal Rule of Civil Procedure 8(b)(3), Respondent generally denies all allegations in the Petition, including the jurisdictional grounds alleged therein. Further, Respondent is not named in any specific allegation and only appears in the heading and appendix of the Petition and therefore lacks knowledge and information as to all allegations that do not specifically pertain to him.<sup>1</sup>

<sup>1</sup> In fact, the majority of the allegations are redundant, immaterial, impertinent, and scandalous and should be stricken *sua sponte* under Federal Rule of Civil Procedure 12(f)(1).

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

2. The Petition, in whole or in part, is barred by Petitioner’s contract breaches.

**SECOND AFFIRMATIVE DEFENSE**

3. The Court lacks personal jurisdiction over Respondent.

**THIRD AFFIRMATIVE DEFENSE**

4. The Petition fails to state a claim upon which relief can be granted.

**FOURTH AFFIRMATIVE DEFENSE**

5. The Petition, in whole or in part, is barred by the doctrine of estoppel.

**FIFTH AFFIRMATIVE DEFENSE**

6. The Petition, in whole or in part, is barred by the doctrine of unclean hands.

**SIXTH AFFIRMATIVE DEFENSE**

7. The Petition, in whole or in part, is barred by the doctrine of waiver.

**SEVENTH AFFIRMATIVE DEFENSE**

8. The Petition is barred because Petitioner did not incur any injury or damages cognizable at law.

**EIGHTH AFFIRMATIVE DEFENSE**

9. Petitioner’s injuries and damages, if any, were caused by the conduct of Petitioner and its representatives, for which Respondent is not responsible.

**NINTH AFFIRMATIVE DEFENSE**

10. Petitioner’s injuries and damages, if any, are barred to the extent Petitioner failed to mitigate its injuries and damages.

Respondent reserves the right to add or supplement this answer with additional affirmative defenses and/or counterclaims.

Dated: November 14, 2024

Respectfully Submitted,

**BAILEY DUQUETTE P.C.**

/s/ William R. Burnside

William R. Burnside, WSBA #36002  
800 Fifth Avenue, Suite 101-800  
Seattle, Washington 98104  
Tel. 206.353.8021  
Email: [will@baileyduquette.com](mailto:will@baileyduquette.com)

**BUCHER LAW PLLC**

William Ward Bucher IV  
(*pro hac vice forthcoming*)  
350 Northern Blvd  
STE 324-1519  
Albany, NY 12204-1000  
Tel. 202.997.3029  
E: [will@bucherlaw.com](mailto:will@bucherlaw.com)

*Attorneys for Respondent*

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I caused a true and correct copy of the foregoing  
RESPONDENT LUKE NINEMIRE'S ANSWER TO PETITION TO ENJOIN  
ARBITRATIONS served upon counsel of record herein, as follows:

Blake Marks-Dias, WSBA No. 28169  
1015 Second Avenue, Floor 10  
Seattle, Washington 98104  
(206) 625-8600 Phone  
(206) 625-0900 Fax  
E: [bmarksdias@correronin.com](mailto:bmarksdias@correronin.com)

☒ Via Email  
☒ Via Electronic Service

Michael W. McTigue Jr., *Admitted Pro Hac Vice*  
Meredith C. Slawe, *Admitted Pro Hac Vice*  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
One Manhattan West  
New York, New York 10001  
E: [michael.mctigue@skadden.com](mailto:michael.mctigue@skadden.com)  
E: [meredith.slawe@skadden.com](mailto:meredith.slawe@skadden.com)

I declare under penalty of perjury under the laws of the State of Washington  
that the foregoing is true and correct.

Dated: November 14, 2024 at Seattle, Washington.

s/ William R. Burnside  
William Burnside, WSBA No. 36002